

MEMORANDUM

M McNAIR

ATTORNEYS

Cary S. Griffin

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TO: Rusty Hildebrand
 FROM: Cary S. Griffin
 DATE: March 2, 2009
 CLIENT/MATTER: 100060-00114
 RE: Easement Agreement with St. Andrews Common

I've enclosed a copy of the Easement Agreement with St. Andrews Common that has now been recorded on January 14 in Book 2799, at Page 2266. I'll retain the original in our file here. You may want to send a copy of this to the St. Andrews Common Regime.

I am also in the process of recording the Greenwood Easement.

Best wishes.

CSG:cbk
 c: Broad Creek PSD Commissioners

CSG:cbk

McNair Law Firm, P. A.
 23-B Shelter Cove, Suite 400
 Hilton Head Island, SC 29928

Mailing Address
 Post Office Drawer 3

BEAUFORT COUNTY SC - ROD
BK 02799 PGS 2266-2270
FILE NUM 2009002603
01/14/2009 12:47:17 PM
REC'D BY A JONES RCPT# 572758
RECORDING FEES 11.00

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A New
McLain
2352

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT ("Agreement") is made by and between ST. ANDREWS COMMON OWNERS' ASSOCIATION, ON BEHALF OF THE ST. ANDREWS COMMON HORIZONTAL PROPERTY REGIME, c/o Property Administrators, Inc. 307 WatersEdge, Hilton Head Island, South Carolina 29928 (hereinafter referred to as "Regime") and BROAD CREEK PUBLIC SERVICE DISTRICT, a special purpose District duly chartered and existing under the laws of the State of South Carolina, Post Office Box 5878, Hilton Head Island, South Carolina 29938 (hereinafter referred to as "District").

WITNESSETH:

WHEREAS, the District owns and operates a water supply and sewage collection, disposal and treatment system pursuant to the authority granted in its Enabling Legislation; and

WHEREAS, the Regime is located within the Broad Creek Public Service District and a portion of the Regime property includes a ten (10") inch force main to be utilized by the District for purposes of the sanitary sewer system is to be constructed and located within certain utility easement areas extended from, and adjacent to, existing utility easements; and

WHEREAS, the Regime and the District desire to confirm certain details and conditions relating to the location of this force main and respective rights of parties regarding the easement area.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that ST. ANDREWS COMMON HORIZONTAL PROPERTY REGIME for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) to it in hand paid and before the sealing of these presents, by BROAD CREEK PUBLIC SERVICE DISTRICT, in the State aforesaid, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and released and by these presents does grant, bargain, sell and release unto the District, its successors and assigns forever, the following non-exclusive and perpetual easement, upon the terms and conditions stated herein:

EASEMENT

A 0.036 acre utility easement and a 0.017 acre utility easement for utility purposes located on a small portion of the property generally known as the "St. Andrews Common Horizontal Property Regime, Palmetto Dunes Resort, Hilton Head Island, South Carolina" and which easement areas are shown and depicted as "Required Utility Easement 0.036 Acre" and "Required Utility Easement 0.017 Acre" on the exhibit entitled, "Exhibit to Easement through St. Andrews Common Horizontal Property Regime, Phase 1, Fairway Nos. 15 & 16, Fazio

Golf Course, being lands of Greenwood Development Corporation, Palmetto Dunes Resort, Hilton Head Island, Beaufort County, South Carolina" said Exhibit being dated August 12, 2008, prepared by Hussey, Gay, Bell & DeYoung, Inc., James M. Sims, S.C. Reg. L.S. #13169, attached hereto as Exhibit A. Said easement areas are more fully described with reference to metes and bounds, courses and distances, as follows:

0.036 Acre Easement

Beginning at the westernmost point of the intersection of the existing 20-foot utility easement as shown in Plat Book 24, at Page 10, Beaufort County Records, and the new utility easement area proceeding from said point N 48° 19' 30" E for 20 feet; thence S 41° 44' 47" E for 36.02 feet; thence N 66° 19' 40" E for 164.26 feet; thence S 60° 31' 28" E for 6.25 feet; thence S 66° 19' 40" W for 187.41 feet; thence N 41° 44' 47" W for a distance of 34.78 feet to the point which marks the Point of Beginning.

0.017 Acre Easement

To find the Point of Beginning, proceed from the Point of Commencing S 66° 19' 40" W for a distance of 83.98 feet to a point shown as Point of Beginning; from said Point of Beginning, proceed S 66° 19' 40" W for 111.43 feet; thence N 60° 32' 57" W for 11.30 feet; thence N 61° 08' 32" E for 6.91 feet; thence N 69° 48' 10" E for 105.66 feet; thence S 84° 35' 20" E for 6.70 feet to the Point of Beginning.

In case of conflict, if any, between the aforementioned courses and distances description and the aforementioned Exhibit A, said Exhibit A shall be controlling.

The easements are located at the southernmost portion of what was originally Phase 1 of the St. Andrews Common Horizontal Property Regime as it intersects with the common property line with Greenwood Development Corporation and the George Fazio Golf Course. The easement areas are a portion of what would be considered common elements all as described in the Master Deed of St. Andrews Common Horizontal Property Regime dated October 5, 1981, and recorded in the Land Records of Beaufort County in Deed Book 335, at Page 169 on October 23, 1981, as subsequently amended.

TERMS AND CONDITIONS

(a) The District may use the easement property only for purposes of the operation of the water and sewer service. The District's permitted use of the property shall also include the non-exclusive right to reasonable access to the property for the purposes of construction, maintenance, repair and replacement of any existing or future water and sewer system infrastructure located thereon. The District shall also have the right of reasonable access for the purpose of the testing and inspecting which shall include surface and subsurface tests and inspections.

(b) District agrees to use all reasonable efforts, during construction, and subsequent maintenance, to minimize any disruption of the adjacent Villas within the Regime.

(c) The Regime hereby reserves the right to change the location of the within utility easement area, from time to time, but solely at the expense of Regime.

(d) Any use of the easement area by Regime, or its successors-in-title, shall be subject to the express condition that such use not interfere with the use of the easement area by the District in the operation of its water and sewer systems.

(e) This Easement Agreement may only be modified, extinguished or terminated in a document expressly executed by the District and recorded in the Land Records for Beaufort County.

(f) This Easement Agreement is binding upon, and shall benefit, the parties hereto and their successors and assigns. This Easement Agreement shall run with the land.

(g) This Easement Agreement is subject to all applicable restrictions, covenants, easements, etc. applicable to the subject Property and of record in the Land Records for Beaufort County, South Carolina.

IN WITNESS WHEREOF, Regime has caused these presents to be executed in its name and its corporate seal affixed hereto in Hilton Head Island, South Carolina on the 7 day of October in the year of our Lord two thousand and eight and in the two hundred and thirty-third year of the Sovereignty and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

REGIME: ST. ANDREWS COMMON OWNERS' ASSOCIATION, on behalf of the ST ANDREWS COMMON HORIZONTAL PROPERTY REGIME

By: [Signature] Attest: [Signature]

[Signatures] STATE OF SOUTH CAROLINA) COUNTY OF BEAUFORT)

ACKNOWLEDGMENT

I, the undersigned Notary Public, do hereby certify that Roger Jones and Robert Moore on behalf of ST. ANDREWS COMMON OWNERS' ASSOCIATION on behalf of the ST. ANDREWS COMMON HORIZONTAL PROPERTY REGIME, personally appeared before me this day on behalf of the partnership and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 7 day of October, 2008.

[Signature] (SEAL) Notary Public for South Carolina My Commission Expires: 12/12/14

IN WITNESS WHEREOF, the BROAD CREEK PUBLIC SERVICE DISTRICT, acknowledges its acceptance of the real and personal property described herein in accordance with the terms and conditions set forth above, this 2nd day of December, 2008.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

Margaret E. Anderson
[Signature]

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

DISTRICT:
BROAD CREEK PUBLIC SERVICE DISTRICT

By: A.M. [Signature]
Its: GENERAL MANAGER

ACKNOWLEDGMENT

I, the undersigned Notary Public, do hereby certify that Russell Hildebrand as General Manager of BROAD CREEK PUBLIC SERVICE DISTRICT, personally appeared before me this day on behalf of the public service district and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 2nd day of December, 2008.

Lauren P. [Signature] (SEAL)
Notary Public for South Carolina
My Commission Expires: February 26, 2011

HILTONHEAD-#683085-v2

HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE INFORMATION AND BELIEF, SURVEY SHOWN HEREON WAS MADE ACCORDING TO THE PRACTICE AND REQUIREMENTS IN PROFESSIONAL SURVEYING AND AS SUCH, THE MINIMUM REQUIREMENTS FOR A CLASS "A" SURVEY AS DESCRIBED THEREIN.

James H. Sims
JAMES H. SIMS
S.C. REG. L.S. 13188

CHD • CONCRETE MONUMENT, OLD
IPV • 5/8" IRON PIN, NEW

ANGULAR ERROR: 1" PER POINT
ERROR OF CLOSURE: FIELD 1/26,982
ERROR OF CLOSURE: PLAT 1/62,787
ADJUSTMENT USED: TOTAL STATION
TOTAL AREA: 0.15 ACRE

HSD
Huntington Surveying & Engineering, Inc.
220 Commercial Drive, Suite 101
Huntington, South Carolina 29526
Tel: 803.535.4444 Fax: 803.535.4400
www.hsdinc.com

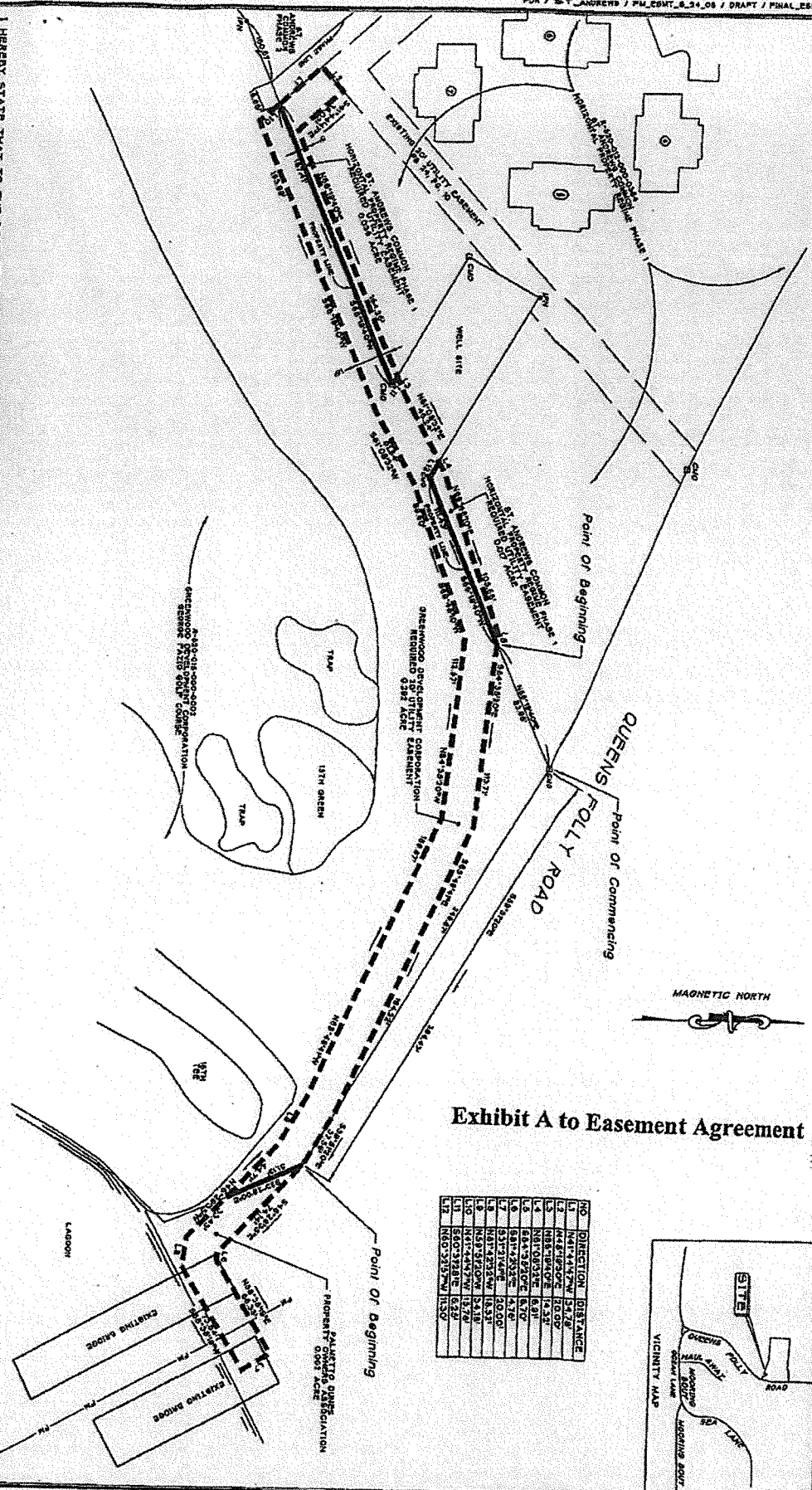
EXHIBIT TO EASEMENT

THROUGH ST. ANDREWS COMMON HORIZONTAL PROPERTY REGIME PHASE I AND FAIRWAY NOS 15 & 16, FAZIO GOLF COURSE BEING LANDS OF GREENWOOD DEVELOPMENT CORPORATION, PALMETTO DUNES RESORT HILTON HEAD ISLAND, BEAUFORT COUNTY, SOUTH CAROLINA

FOR
BROAD CREEK PUBLIC SERVICE DISTRICT



PLAT DATE: AUGUST 12, 2008
FIELD SURVEY DATE: JUNE 17, 2008



NO.	DIRECTION	DISTANCE
1	N81°41'27"W	24.78
2	N82°02'00"E	20.00
3	N82°02'00"E	10.37
4	S81°05'00"W	18.91
5	S81°05'00"W	14.70
6	S81°05'00"W	10.00
7	S81°05'00"W	18.53
8	N82°02'00"E	24.78
9	N81°41'27"W	12.78
10	S80°21'00"W	6.29
11	S80°21'00"W	13.50

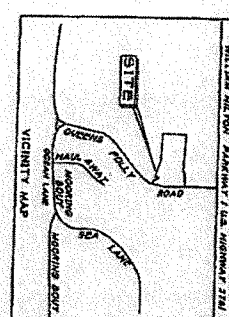


Exhibit A to Easement Agreement